

Marc E. Elias*
 Elisabeth C. Frost*
 Christopher D. Dodge*
 Mollie DiBrell*
 Alexander F. Atkins*
 Daniela Lorenzo*
ELIAS LAW GROUP LLP
 250 Massachusetts Ave NW
 Suite 400
 Washington, DC 20001
 Phone: (202) 968-4513
 Facsimile: (202) 968-4498
 melias@elias.law
 efrost@elias.law
 cdodge@elias.law
 mdibrell@elias.law
 aatkins@elias.law
 dlorenzo@elias.law

Roy Herrera (Bar No. 032901)
 Daniel A. Arellano (Bar No.
 032304)
 Jillian L. Andrews (Bar No.
 034611)
HERRERA ARELLANO LLP
 530 East McDowell Road
 Suite 107-150
 Phoenix, Arizona 85004-1500
 Phone: (602) 567-4820
 roy@ha-firm.com
 daniel@ha-firm.com
 jillian@ha-firm.com

*Attorneys for Plaintiffs Mi
 Familia Vota and Voto Latino
 Admitted Pro Hac Vice

**UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
 Plaintiffs,
 v.
 Adrian Fontes, et al.,
 Defendants.

AND CONSOLIDATED CASES.

Case No. 2:22-cv-00509-SRB (lead)

**NOTICE OF SUPPLEMENTAL
 AUTHORITY IN SUPPORT OF
 MFV PLAINTIFFS' CROSS-
 MOTION FOR SUMMARY
 JUDGMENT**

No. CV-22-00519-PHX-SRB
 No. CV-22-01003-PHX-SRB
 No. CV-22-01124-PHX-SRB
 No. CV-22-01369-PHX-SRB
 No. CV-22-01381-PHX-SRB
 No. CV-22-01602-PHX-SRB
 No. CV-22-01901-PHX-SRB

1 Plaintiffs Mi Familia Vota and Voto Latino (the “MFV Plaintiffs”) submit *In re*
2 *Georgia Senate Bill 202*, No. 1:21-mi-55555-JPB, 2023 WL 5334582 (N.D. Ga. Aug. 18,
3 2023) (attached) as supplemental authority for their partial summary judgment motion on
4 their claims brought under the Materiality Provision. *See* ECF Nos. 399, 478.

5 In the attached decision, the district court preliminarily enjoined a law requiring
6 voters to print their date of birth on the outer envelope of their returned absentee ballot for
7 the ballot to be counted, finding that the plaintiffs were substantially likely to succeed on
8 their claim that this violates the Materiality Provision. As the court explained, even if the
9 voter writes their birthdate on the envelope as required, it is not used to determine whether
10 they are qualified to vote—including to ensure that they are at least 18 years old—because
11 the voter’s age is already verified when they apply for the absentee ballot. *In re Georgia*
12 *Senate Bill 202*, 2023 WL 5334582 at *8. The court underscored that, at most, the birthdate
13 on the ballot envelope was “only used to verify the voter’s identity,” but not their voter
14 qualifications. *Id.* Accordingly, the court concluded that the requirement was not
15 “material” as that term is understood in this context. *Id.*

16
17 The same is true here: the undisputed evidence is that neither a voter’s provision of
18 their place of birth, their completion of a duplicative citizenship checkbox, nor their
19 provision of documentary proof of citizenship with their Federal Form application are
20 material to determining their voter qualifications under Arizona law. Rather, as Plaintiffs
21 explained (and supported by undisputed evidence), Arizona already determines whether a
22 voter is qualified to vote—including whether they are a U.S. citizen—using other means.
23 *See* ECF No. 399 at 2-9; ECF No. 478 at 3-8. And while Defendants claim that birthplace
24 information may help a County Recorder identify an applicant when speaking with them
25 about their application, that does not make the information material for the same reasons
26 the district court found in *In Re Georgia Senate Bill 202*.
27
28

1
2 Dated: August 22, 2023

Respectfully submitted,

3 /s/ Jillian L. Andrews

4 Roy Herrera (Bar No. 032901)
5 Daniel A. Arellano (Bar. No. 032304)
6 Jillian L. Andrews (Bar No. 034611)
7 **HERRERA ARELLANO LLP**
8 530 East McDowell Road
9 Suite 107-150
10 Phoenix, Arizona 85004-1500
11 Phone: (602) 567-4820
12 roy@ha-firm.com
13 daniel@ha-firm.com
14 jillian@ha-firm.com

11 Marc E. Elias*
12 Elisabeth C. Frost*
13 Christopher D. Dodge*
14 Mollie DiBrell*
15 Alexander F. Atkins*
16 Daniela Lorenzo*
17 **ELIAS LAW GROUP LLP**
18 250 Massachusetts Ave NW
19 Suite 400
20 Washington, DC 20001
21 Phone: (202) 968-4513
22 Facsimile: (202) 968-4498
23 melias@elias.law
24 efrost@elias.law
25 cdodge@elias.law
26 mdibrell@elias.law
27 aatkins@elias.law
28 dlorenzo@elias.law

*Attorneys for Plaintiffs Mi Familia Vota and
Voto Latino
* Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

On this day, August 22, 2023, I caused the foregoing to be filed and served electronically via the Court's CM/ECF system upon all counsel of record.

/s/ Jillian L. Andrews